

REMARKS

Applicants wish to thank the Examiner for the careful consideration given to this case. The Examiner has restricted claims in this case to two distinct inventions designated as Species I, claims 59-67, drawn to a "group of biological identification were receive ID;" and Species II, claims 68-79, drawn to a "group of biological identification were check ID." To the extent that Applicants understand the Examiner's designation of the two species, Applicants contest such designation.

All of the claims of the present application include the steps of receiving a biological sample and verifying the identity of a third party that is accessing an account. Each independent claim sets forth additional limitations as is typical for independent claims within an application. However, the scope of the claims is directed towards the same end (verifying the identity of a third party that accesses an account).

At the very least, the Examiner's explanation for why the species are patentably distinct does not provide the Applicants with the ability to rebut such designation. Examiner does not designate separate classes required to be searched for the separate species or provide an explanation as to why the claims in the two species cannot be commonly searched. In addition, having separate embodiments of a single invention in separate figures (the Examiner's only stated basis for restricting allegedly patentably distinct species) is a common practice for patent applications, in which a plurality of figures are commonly submitted.

For these reasons, it is respectfully submitted that the search classification for each group will substantially overlap. The Examiner will not be seriously burdened by searching and considering the inventions described in the restricted claims. Accordingly, Applicants respectfully traverse the Restriction Requirement and request reconsideration. In order to be fully responsive, Applicants have provisionally elected, with traverse, the invention of Species I drawn to claims 59-67. By this election, Applicants do not admit, nor do Applicants waive the right to argue against at a later date, the Examiner's statement that the groups of inventions are patentably distinct. Applicants expressly reserve the right to present the claims of Species II (claims 68-79) or other claims, in one or more divisional, continuation or continuation-in-part applications at a later date, if necessary.

AUTHORIZATION


Accordingly, the Examiner has not established a proper restriction requirement under MPEP §803, and it is respectfully submitted that the restriction requirement should be withdrawn, and that the application is now in condition for examination and allowance on the merits. Notice to such effect is requested.

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment or credit any overpayment to Deposit Account No. 50-0436.

Respectfully Submitted,

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